

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re FIRSTENERGY CORP.  
SECURITIES LITIGATION,  
\_\_\_\_\_  
This document relates to:  
  
ALL ACTIONS.

) Case No. 2:20-cv-03785-ALM-KAJ  
)  
) CLASS ACTION  
)  
) Chief Judge Algenon L. Marbley  
) Magistrate Judge Kimberly A. Jolson  
)  
)

## Joint Discovery Status Report

Pursuant to the Court’s August 19, 2022 Opinion and Order (Doc. # 333), the parties provide the following discovery status report. There are two active discovery disputes. The current status of the discovery dispute between non-party Industrial Energy Users-Ohio and defendant Charles E. Jones was recently reported to the Court on December 14, 2022 in response to the Court’s Order dated November 29, 2022 (Doc. # 387). (*See* Joint Status Report, Doc. # 391). The other ongoing discovery matter reported below relates to Judge Jolson’s Opinion and Order (Doc. # 378) granting Plaintiffs’ and Mr. Dowling’s motion to compel production of documents and privilege log from non-party Partners for Progress, Inc. (“PFP”).

### **Plaintiffs' and Mr. Dowling's Report**

On December 2, 2022, PFP filed its Partial Objection to, and Motion to Partially Stay, Judge Jolson’s Opinion and Order (Doc. # 378). (*See* Doc. # 388). On December 7, PFP produced a supplemental production of documents. On December 14, counsel for Plaintiffs and Mr. Dowling raised their initial *concerns* with PFP’s supplemental document production, including that it did not contain a supplemental privilege log and it appeared to contain only responsive documents from the accounts of PFP’s two current directors. On December 15, counsel for PFP responded and confirmed, in part, that the supplemental production did not contain a privilege log and that it contained responsive documents only from the two current

directors. On December 16, Plaintiffs and Mr. Dowling filed their Response to PFP's Partial Objection to, and Motion to Partial Stay, Judge Jolson's Order. (See Doc. # 392). On December 16, counsel for Plaintiffs and Mr. Dowling also issued to counsel for PFP their objections to PFP's production. Plaintiffs and Mr. Dowling will continue to engage PFP in a good faith attempt to resolve or narrow this discovery dispute up and until January 6, as required pursuant to the Order.

**Partners for Progress, Inc.'s Report**

Partners for Progress notes that the "concerns" Plaintiffs and Dowling identify here generally consist of either (1) matters that have been presented to the Court for resolution pursuant to Partners for Progress's Objection (Doc. 388); or (2) matters that Plaintiffs and Dowling had not previously raised until after the issuance of Magistrate Judge Jolson's Opinion and Order (Doc. 378) (the "Order"). In any case, without waiving the objections stated in its Objection to the Order, Partners for Progress will continue to work in good faith with Plaintiffs and Dowling through January 6, 2023 to try to resolve or narrow any issues in dispute.

**Mr. Jones's Report**

On December 14, 2022, Mr. Jones and third party Industrial Energy Users-Ohio ("IEU-Ohio") filed a joint status report regarding Mr. Jones's subpoena directed to IEU-Ohio. (See Doc. # 391). Mr. Jones has no additional information to provide beyond what is included in the prior status report.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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